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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UBELINO SALINAS-IBARRA,

Case No.: 5:17-CV-01137 BLF

12 Plaintiff,

13 vs.

PLAINTIFF'S OBJECTION TO
DEFENDANT'S BILL OF COSTS

14 JAMIE ELLIS, INDIVIDUALLY AND AS AN
15 OFFICER OF THE SANTA CLARA POLICE
16 DEPARTMENT, DOES 1 THROUGH 20,
INCLUSIVE

17 Defendants.

18 BY AND THROUGH COUNSEL, Plaintiff respectfully request that this Honorable Court
19 exercise its discretion under Fed. R. Civ. P. 54(d) and deny Defendant's Bill of Costs for the
following reasons.

20 Federal Rule of Civil Procedure 54(d)(1) establishes that costs are to be awarded as a
21 matter of course in the ordinary case. *Association of Mexican-American Educators v. State of*
22 California, 231 F.3d 572, 593(9th Cir.). However, in a civil rights action, consideration of a
23 plaintiff's limited resources is an appropriate reason for denial of costs. *Ibid.* Additionally,

1 “imposing costs on losing civil rights plaintiffs of modest means may chill civil rights litigation”
2 that is important to the legal system. *Tubbs v. Sacramento County Jail*, 258 F.R.D. 657, 661
3 (E.D. Cal. 2009) (Quoting *Stanley v. Univ. of S. Cal.*, 178 F.3d 1069, 1079 (9th Cir.1999))

4 In this case, Plaintiff survived summary judgment on two of his three claims. Plaintiff
5 then proceeded to trial before this Court. While the jury verdict was not in the Plaintiff’s favor,
6 his claims were not without merit. Furthermore, Plaintiff is indigent and is unable to pay the
7 amount requested by the Defendant. (Plaintiff’s Declaration)

8 CONCLUSION

9 Given Plaintiff’s indigency and the nature of the action brought, Plaintiff asks that this
10 Court exercise its discretion and decline to tax costs against Plaintiff in any amount.

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12 Dated: July 5, 2018

13 By: /s/ Ralph Robles Jr.
14 Ralph Robles Jr.
15 Attorney for Plaintiff